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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,761	11/28/2001	Hiroaki Sugiura	1190-0532P	1204
2292 7590 07/23/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER EBRAHIMI DEHKORDY, SAEID	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 07/23/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

Application No.

09/994,761

Applicant(s)

SUGIURA ET AL.

Examiner

Saeid Ebrahimi-dehKordy

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10,13,15 and 17 is/are rejected.
- 7) ☒ Claim(s) 3-4, 9, 11-12, 14, 16, 18-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-2, 4-8, 10, 13, 15, 17 are have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, 13, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swen et al (U.S. patent 5,806,081) in view of Clouthier (U.S. patent 6,778,291)

**Regarding claim 1, 5, 13 and 15** Swen et al disclose: A method of outputting original image data that was generated relative to a first color space (note column 6 lines 36-38, the source) by an output device that converts image data of a second color space to a visually-perceptible analog thereof (note column 6 lines 38-40, printer the output device) the method comprising: receiving from a provider over a communication channel (note Fig.2, the source device 26 over the cable connected to the printer, note Fig.1) original image data that was generated according to a first color space (note column 6 lines 36-38, the source) receiving from said provider (note Fig.2, the source device 26) over a communication channel along with said original image data tag data representing parameters of said first color space (note Fig.4, column 8 lines 13-22, where the tagged is added to the image data) automatically converting in output device said original image data into said second color space according to said tag data to produce converted

Art Unit: 2625

image data of said second color space (note column 8 lines 3-12) and converting in the said output device, said converted image data into a visually –perceptible analog thereof (again note column 8 lines 10-12). However Swen et al do not clearly disclose: converting in said output device said original image data into said second color space according to said tag data to produce converted image data of said second color space. On the other hand Clouthier discloses: converting in said output device said original image data into said second color space according to said tag data to produce converted image data of said second color space (note column 2, lines 32-36 and again column, 2, lines 42-52, where the first color space RGB is converted to the second color space CYMK by the printer). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Swen et al's invention according to the teaching of Clouthier, Where Clouthire teaches the way the printer would convert the RGB to CMYK in order to enhance the printing device to make the process of printing more efficient.

**Regarding claim 17** Swen et al disclose: The image processing system of claim 13, wherein said provider includes a server and said communication channel includes a network to which said output device is connected to (note column 11 lines 52-60).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2625

2. Claims 2,6-8,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swen et al (U.S. patent 5,806,081) in view of Clouthier (U.S. patent 6,778,291) and further in view of Kumada (U.S. patent 6,337,922)

**Regarding claim 2 and 8** Swen et al do not clearly disclose: The method of claim 1, wherein said tag data include a code identifying a color space; primary coordinates; white point brightness; tone characteristics color reproduction characteristics; (still picture/moving picture identification code ;On the other hand Kumada discloses: The method of claim 1, wherein said tag data include a code identifying a color space (note column 1 lines 36-46) primary coordinates (note Figs. 18, 19.and 20, column 11 lines 27-67 and column 12 lines 20-39) white point brightness (note column 16 lines 37-55) tone characteristics color reproduction characteristics (still picture/moving picture identification code (note Fig.4 column 5 lines 35-49). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Swen et al's and Clouthier's invention according to the teaching of Kumada, Where Kumada teaches the way tagged data is used to increase the image quality and to enhance and optimize the image processing device.

**Regarding claim 6** Kumada discloses: The method of claim 5, wherein said default color space is standard RGB (sRGB) (Figs. 4-8, column 5, lines 21-46,. column 6, lines 22-36).

**Regarding claim 7** Kumada discloses: The method of claim 5, further comprising: said output device retrieving data representing parameters of said default color pace, wherein said parameters include a code identifying a color space (note column 1 lines 36-46) primary coordinates (note Figs. 18, 19 and 20, column 11 lines 27-67 and column 12 lines 20-39) white point, brightness, tone characteristics, color reproduction characteristics, still picture/moving

Art Unit: 2625

picture identification code or parameters for image processing (still picture/moving picture identification code (note Fig.4 column 5 lines 35-49).

**Regarding claim 10** Kumada discloses: The method of claim 1, wherein said output device is a display device capable of displaying an image obtained by conversion from the original image data, in a display area forming part of a display screen of the display device and said display device generates color space conversion parameters for the display area based on the tag data associated with the original image data and area data representing the display area, and converts the original image data into the image data of the second color space representing the image displayed in the display area, based on the generated color conversion parameters (a liquid crystal display device, a plasma display device. However, a projector, a liquid crystal display device, a plasma display device are also display devices which can display the image data).

#### ***Allowable Subject Matter***

3. Claims 3-4,9,11-12,14,16 and 18-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Contact Information**

➤ Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

Art Unit: 2625

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Or faxed to:**

(571) 273-8300, (for *formal* communications; please mark  
"EXPEDITED PROCEDURE")

**Or:**

(703) 306-5406 (for *informal* or *draft* communications, please label  
"PROPOSED" or "DRAFT")

**Hand delivered responses** should be brought to Knox building on 501 Dulany Street, Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy  
Patent Examiner  
Group Art Unit 2625  
July 17, 2007

